

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**C.A. No: 3:10-CV-00062-MOC-DSC**

<b>MONIQUE RUE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>DEFENDANTS' JOINT MOTION FOR</b>
	)	<b>SANCTIONS FOR PLAINTIFF'S</b>
	)	<b>FAILURE TO COMPLY WITH COURT</b>
<b>ALLY FINANCIAL, INC., VACO</b>	)	<b>ORDER AND FAILURE TO RESPOND TO</b>
<b>CHARLOTTE, LLC, NITA GOODING,</b>	)	<b>DISCOVERY REQUESTS PURSUANT TO</b>
<b>and LUETTE KANAS,</b>	)	<b>RULE 37</b>
	)	
<b>Defendants.</b>	)	

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NOW COME Defendants Ally Financial, Inc. ("Ally") and Vaco Charlotte, LLC ("Vaco"), through their respective undersigned counsel, and hereby move this Honorable Court to enter an order providing for appropriate sanctions, including the dismissal of Plaintiff Monique Rue's ("Rue") Complaint and an award of attorney fees and costs. Defendants assert that on August 9, 2011, The Honorable Magistrate Judge David S. Cayer issued an Order directing Rue to fully respond to Ally's and Vaco's respective First Sets of Interrogatories and Requests for Production of Documents within 15 days of the date of the Order, or risk dismissal and an award of costs and fees. Rue has completely ignored the Court's Order.

Pursuant to Rule 37, the undersigned defense counsel hereby certifies that they have in good faith attempted to confer with Plaintiff in an effort to obtain responses without court action.

Respectfully submitted, this the 29<sup>th</sup> day of August, 2011.

**BY DEFENDANTS:**

JACKSON LEWIS, LLP

BRADLEY ARANT BOULT CUMMINGS,  
LLP

**/s/ Matthew D. Duncan**

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**MONIQUE RUE,**

**Plaintiff,**

**v.**

**ALLY FINANCIAL, INC., VACO  
CHARLOTTE, LLC, NITA GOODING,  
and LUETTE KANAS,**

**Defendants.**

**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing **DEFENDANTS' JOINT MOTION FOR SANCTIONS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties as follows:

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*Attorneys for Defendant Vaco Charlotte, LLC*

and I hereby certify that I have mailed by First Class Mail the documents to the following non-CM/ECF party, *pro se* plaintiff addressed as follows:

Monique Rue  
5137 Grays Ridge Drive  
Charlotte, NC 28269

Respectfully submitted, this the 29<sup>th</sup> day of August, 2011.

/s/ Matthew D. Duncan

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